

**REMARKS**

Claims 1-21 are all the claims pending in the application.

**I. Discussion of Claim Rejection under 35 U.S.C. § 102(e) and Applicant's Statement of Substance of the Interviews on February 11, 2009 and February 17, 2009**

Claims 1, 7, 10, 14, 16, 18-19 and 21 stand rejected under 35 U.S.C. 102(e) as allegedly being anticipated by Kubler et al., (US Provisional App. 60/356827). Applicant respectfully traverses the rejections.

Applicant thanks Supervisory Patent Examiner Scott Beliveau, Primary Examiner Jason Salce and Examiner Alan Luong for their time in conducting the courteous telephonic interviews on February 11, 2009 and February 17, 2009 regarding the rejections to claims 1, 7, 10, 14, 16, 18-19 and 21 under 35 U.S.C. § 102(e) as allegedly being anticipated by Kubler et al., (US Provisional App. 60/356827).

To summarize these conversations, Applicant's representative presented Applicant's position that Kublar fails to teach or suggest the requirements of claims 1, 7, 10, 14, 16, 18-19 and 21.

With regard to claims 1, 10, 16, and 19, Applicant's representative presented Applicant's position that Kublar fails to teach or suggest at least the requirements of claim 19 of:

a receiving unit that receives, from a content provider, **facility prerequisite data that specifies at least one prerequisite to be met by a facility** where the content is to be used and that receives facility data from a plurality of content users of facilities;

. . .

a destination selecting unit that **selects a facility based at least on a determination that information included in the stored facility data regarding the facility meets the at least one prerequisite specified by the stored facility**

**prerequisite data**, and that selects, based on information extracted from the stored facility data of the selected facility, **a content user terminal placed at the selected facility as the destination of the content**

In particular, Applicant's representative presented Applicant's position that although information such as ticket sales is collected and sent to the stakeholders 70, Kublar does not make a determination of whether the collected information meets any facility prerequisite data received from a content provider to select a . . . facility as the destination of the content. While Kublar makes a general statement that media content producers wish their programs to be shown to the largest potential audience, this certainly does not teach or suggest selecting a facility based on a determination that information sent by the facility meets any prerequisite specified by the stakeholders. Thus, Kublar fails to teach or suggest at least this requirement of the claims.

Further, with regard to claims 7, 14, 18 and 21, Applicant's representative presented Applicant's position that, for similar reasons to those presented above for claim 19, Kublar fails to teach or suggest at least the requirements of claim 21 of:

a receiving unit that receives content data from a plurality of content providers and that receives content prerequisite data from a content user of a facility that specifies at least one prerequisite to be met by a content that is to be used in the facility;

. . .

a content selecting unit that **selects a content, based at least on a determination that information included in said stored content data regarding the content meets the at least one prerequisite specified by the content prerequisite data, as the content to provide to a content user terminal of the facility of the content user**

As indicated in the attached Examiner's Interview Summary (PTOL-413), the Examiners agreed with the Applicant's position with regard to all claims, both regarding the above

specifically recited limitations above and the similar limitations of claims 1, 7, 10, 14, 16, and 18. The Examiners further agreed that upon receipt of this response, the Examiner would withdraw the rejection, perform a new search, and issue a new non-final Office Action if new pertinent art is found or alternatively issue a notice of allowance.

Accordingly, Applicant respectfully submits that claims 1, 7, 10, 14, 16, 18-19 and 21 are not anticipated under 35 U.S.C. § 102(e) by Kublar, because the reference does not disclose all of the features and limitations of the claim and Applicant respectfully requests that the Examiner withdraw the rejection of claims 1, 7, 10, 14, 16, 18-19 and 21.

## **II. Rejections Under 35 U.S.C. § 103(a)**

Claims 2-6, 8-9, 11-13, 15, 17 and 20 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Kubler in view of Svoboda (USP 2002/0138832).

Above, Applicant pointed out that Kublar is deficient vis-à-vis independent claims 1, 7, 10, 14, 16, 18-19 and 21. Applicant respectfully submits that Svoboda fails to compensate for the deficiencies of Kublar. Even taken for what they would have meant as a whole to an artisan of ordinary skill, the combined teachings of these two references would not have (and could not have) led the artisan of ordinary skill to the subject matter of independent claims 1, 7, 10 and 14, much less dependent claims 2-3, 8-9, 11 and 15.

Therefore, claims 2-3, 8-9, 11 and 15 would not have been obvious within the meaning of 35 U.S.C. §103(a). Additional, untaught modifications would have been necessary.

Accordingly, Applicant respectfully requests that the Examiner withdraw the rejection of claims 2-3, 8-9, 11 and 15

Applicant further respectfully submits independent claims 4, 12, 17 and 20 are patentable over the cited combination at least for similar reasons as independent claims 1, 7, 10, 14, 16, 18-

19 and 21. Accordingly, Applicant respectfully requests the Examiner to withdraw the rejection of claims 4, 12, 17 and 20 and claims 5-6 and 13 at least by virtue of their dependency from claims 4 and 12.

### **III. Conclusion**

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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**23373**

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